

MEMORANDUM

TO: Mayor Craig Brown and Members of Council

CC: City Manager Office, Executive Leadership Team, City Attorney Office

FROM: Sally Bakko, Director of Policy and Governmental Relations

DATE: October 7, 2022

RE: Legislative Report: Austin and Washington Updates

Please find below updates on legislative activities in Austin and Washington. *(To access links below, control+click on link.)*

USACE Galveston District Summer/Fall Stakeholder Partnering Forum - Summary

This week the US Army Corps of Engineers (USACE) Galveston District held their Summer/Fall Stakeholder Partnering Forum at the Galveston District Headquarters. The forum began with opening statements from Galveston Deputy District Engineer Byron Williams and District Commander Col. Rhett A. Blackmon. Galveston District representatives spoke on their roles, responsibilities, and current projects, including: Heather Moffat, a geographer with the District's Geospatial Services Branch, who spoke on the [merits of using geospatial data](#) to better help the general public understand USACE projects; David Mackintosh, Kenneth Darko, Lisa McCracken-Mairs, and Houston County Flood Control District (HCFDC) Assistant Director of Operations Scott Elmer, who presented on the [fifth anniversary of Hurricane Harvey](#); Coastal Engineering Section Chief Patrick Kerr, who spoke on the [evolution of storm surge and rainfall risk](#); and Kelsey Ciarrocca, a cartographer with the District's Real Estate Division, who briefed on creating [transparent acquisition processes](#).

Of particular and timely interest were sessions including:

- [Federal Funding Process and Revolutionizing Project Delivery](#), presented by Tonya Lippe (Chief, Programs Branch, Programs and Project Management Division) and Bernice Taylor (Section Chief, Project Scheduling, Programs Branch, Programs and Project Management Division)
- [Cost Sharing and Staying in Balance, Including Lands, Easements, Rights-of-Way, Relocations, and Disposals \(LERRD\) Crediting: The Who, What, How and When](#), presented by Byran Williams (Program Analyst, Programs and Project Management Division); Kenny Pablo (Lead Realty Specialist, Real Estate Division); Arnette Rose (Accountant, Cost Share Control Manager, Resource Management Division).

Gulf Coast Protection District (GCPD) Update

The [Gulf Coast Protection District](#) will at 10:00 am on Wednesday, October 12, 2022. The meeting will be held at the Bridge City Community Center, 105 Parkside in Bridge City in Orange County ([view agenda](#)). However, you may also watch and listen to the meeting via the live broadcast ([view live stream](#)).

Austin Update

Texas Broadband Development Office Local Government Roundtable on October 13th

The Texas Broadband Development Office will be holding monthly local government broadband roundtables centered around readiness and funding. The first meeting starts at **10:00 am on Thursday, October 13th**. See [Meeting Link](#). For more information, see [Texas Broadband Plan](#).

Texas Legislature – Interim Charge Committee Hearings

Texas House Committee on Natural Resources Hearing on October 18th

The Committee will meet at 10:00 am on Tuesday, October 18th, to hear invited and public testimony regarding the feasibility of desalination as a new and/or alternative water source for the state Texas.

Washington Update

Reps. Randy Weber and Lizzie Fletcher Cosponsor Bill for Coastal Resiliency Funding

Reps. Randy Weber (TX-14) and Lizzie Fletcher (TX-07) introduced the bipartisan *Reinvesting in Shoreline Economies and Ecosystems (RISEE)* Act, which would create a new stream of funding for coastal infrastructure and flood resiliency projects. Current law requires all revenues generated from offshore wind leases and production beyond six nautical miles from states to be sent to the U.S. Treasury. The *RISEE Act* would send 50 percent of offshore wind revenue to states within 75 miles of offshore wind farms. By sharing offshore wind revenues with nearby states, the *RISEE Act* offers incentives for state and local governments to facilitate successful siting processes and to get turbines up and running. State funds from offshore wind revenue could be used:

- For coastal restoration, hurricane protection, or resiliency infrastructure;
- To mitigate damage to fish, wildlife, or other natural resources, including through fisheries science and research; or
- To implement a marine, coastal, or conservation management plan.

Additionally, 37.5 percent of offshore wind revenues would serve as a further dedicated funding source for the National Oceans and Coastal Security Fund (NOCSF). This fund provides competitive grants to coastal communities to respond to coastal erosion and sea level rise, restore coastal habitat, and make improvements to coastal infrastructure.

Gulf of Mexico energy royalties are currently shared by four Gulf energy producing states (Alabama, Louisiana, Mississippi, and Texas), conservation programs, and the U.S. Treasury. The *RISEE Act* will allow for more equitable resource sharing between states, the federal government, and conservation programs.

The *RISEE Act* would also amend the Gulf of Mexico Energy Security Act (GOMESA) to create a new stream of funding by equalizing mineral rights revenues for offshore leases and devoting that money to coastal resiliency and flood mitigation projects. The bill amends GOMESA by:

- Eliminating the state revenue sharing cap, currently at \$375 million.
- Increasing the amount of GOMESA revenues shared with states from 37.5% to 50%.
- Lifting the Land & Water Conservation Fund's state side funding cap of \$125 million.
- Adding the National Oceans and Coastal Security Fund as a fourth GOMESA equity (12.5%).

- Making oil and gas leases from 2000-2006 eligible for future GOMESA payments to Gulf coast states and the National Oceans and Coastal Security Fund. Currently, only leases from 2007 to present are eligible for GOMESA payments. Currently 11 new oil and gas fields in the Gulf of Mexico will contribute to the overall growth in U.S. production are GOMESA eligible under current law. Another eight would also qualify under this proposed change.
- An identical bill was favorably reported by the Senate Natural Resources Committee.

Treasury Releases Updated SLFRF Reporting Resources

The Treasury Department has recently released a series of new and/or updated resources to assist with [reporting](#) on State and Local Fiscal Recovery Funds (SLFRF). These resources include the following: [October 2022 Project and Expenditure Report User Guide](#); updated [Compliance and Reporting Guidance](#) (see the Revision Log on pg. 50 for the update); and a [Broadband Location File Template](#) for those recipients with projects improving broadband infrastructure.

FEMA and EDA Release New Resource to Align Community Plans and Build Resilience

On Sept. 28, FEMA and the U.S. Economic Development Administration (EDA) released a new guide to help align hazard mitigation plans with Comprehensive Economic Development Strategies (CEDS). A CEDS must include economic resilience in its strategy; a hazard mitigation plan identifies and plans for natural hazard risks to key sectors, including the economy. The guide includes economic development concepts to add to hazard mitigation plans. It also encourages integration of information from risk assessments and hazard mitigation ideas to use in a CEDS. To view and download the guide, click [here](#).

Flood Mitigation and BRIC Grant Application Period Closes January 27

The Federal Emergency Management Agency (FEMA) [opened](#) the application period for the Hazard Mitigation Assistance Notices of Funding Opportunities on September 30 for the Flood Mitigation Assistance and new Building Resilient Infrastructure and Communities grant programs. The application period closes January 27.

Airport Terminals Program Application Period Closes October 24

The Federal Aviation Administration (FAA) [announced](#) the opportunity to apply for approximately \$1 billion in fiscal year 2023 discretionary funds for the Airport Terminals Program, made available under the IIJA. Applications are due by October 24 and more information is available [here](#).

NLC Tracking Bipartisan Infrastructure Law Grant Opportunities

The National League of Cities (NLC) Federal Advocacy team compiled a quick chart below of several upcoming Bipartisan Infrastructure Law (BIL) opportunities for local governments. The chart demonstrates local government eligibility in terms of how they may apply to these programs. Please let me know if there is a grant program listed that would like more information.

[BIL-Transportation-Grants-Chart-9.22.22.pdf \(nlc.org\)](#)

Treasury Issues Proposed Rule on State and Local Government Series Securities

The Treasury Department recently [released](#) a proposed rule with request for comments to amend the regulations governing State and Local Government Series (SLGS) securities. The department is proposing to amend the SLGS regulations to address misuse of the SLGS program, most notably the

use of program flexibilities by tax-advantaged entities, usually a state or local government, investing in SLGS securities to create impermissible cost-free options. The proposed rule proposes amendments to existing regulations to help stop such activity, and also proposes administrative changes to increase efficiencies in the program. Comments are due by November 29.

Reports of Interest

[Employee Contributions to Public Pension Plans](#)

National Association of State Retirement Administrators

[Transportation Groups Warn USDOT of Small Bus Shortage](#)

AASHTO Journal, October 7, 2022

USDOT Increases TIFIA Lending Limit for Transit Projects

AASHTO Journal, October 7, 2022

- [In July](#), the Texas Department of Transportation began increasing public transit investments statewide due to additional federal funding received from the \$1.2 trillion Infrastructure Investment and Jobs Act, enacted in November 2021.
- Combined with an award received in June, TxDOT is distributing more than \$146 million in public transit funding – a 65 percent increase compared to funds approved in the summer of 2021.

How Freight Rail Prepares for & Responds to Hurricanes

With hurricane season in full force and the remnants of Hurricane Ian still moving up the East Coast, freight rail's critical work delivering for the nation must continue. Railroads work year-round to prepare for and minimize the impact on their networks. Here are a few steps railroads take [to prepare for extreme weather](#).